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VIA ELECTRONIC CASE FILING

Honorable Magistrate Judge Sarah Netburn
United States District Court for the
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: In Re Terrorist Attacks on September 11, 2001, 1:03-md-01570 (GBD)(SN)
Havlish, et al. v. bin Laden, et al., 1:03-cv-09848 (GBD)(SN)

Dear Judge Netburn:

Last night James Bernard, counsel representing the Havlish plaintiffs, filed a letter (ECF 9384) stating that his clients and “attorneys of other law firms” (who are not identified) requested a “confidential conference call” to advise the Court of the status of settlement discussions and seek the Court’s guidance as to one issue. Baumeister & Samuels was never contacted to participate in this call.

Our firm filed a very small number of claims with the USVSST Fund compared to other firms impacted by the motion filed by Havlish counsel seeking compensation for obtaining the original default judgment against Iran back in 2011. In decisions rendered by Your Honor and Judge Daniels in connection with this motion, it is clear that the Court seeks information pertaining to the efforts expended by Havlish counsel to obtain this judgment.

Our firm was one of five law firms who formulated the PEC’s position paper on issues related to the Havlish motion that was submitted to a mediator prior to a meeting held in Boston earlier this month. A settlement offer was made at the mediation, but Baumeister & Samuels disagreed with the terms and conditions. Thereafter, we were summarily excluded from all future discussions concerning the settlement. We set forth the reasons for our decision in an email to the other four firms involved in this settlement offer and included a proposed contribution from our firm



but received no response. If necessary, we are prepared to share with the Court, on a confidential basis, the PEC position paper, and our email to the other law firms so there is a clear understanding of the reasons behind our decision to decline to consent to the settlement offer made by the four larger law firms.

We respectfully request that any conference scheduled by the Court concerning the Havlish settlement issues include my firm and any others who may be directly impacted by decisions made in connection with these issues.

Respectfully submitted,

/s/ Michel F. Baumeister

Michel F. Baumeister

MFB:cml